

BROOKLYN OFFICE

DARWIN NOBOA,  
Plaintiff,

-against-

TORON RESTORATION CORP.,  
FERNANDO POUSO, and JOSE LUIS  
MARTINEZ,

**Defendants.**

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14-CV-730 (ARR)(CLP)

NOT FOR ELECTRONIC  
OR PRINT PUBLICATION

## ORDER

ROSS, United States District Judge:

The court has received the Report and Recommendation on the instant case dated March 2, 2015, from the Honorable Cheryl L. Pollak, United States Magistrate Judge. No objections have been filed. Accordingly, the court has reviewed the Report and Recommendation for clear error on the face of the record. See Advisory Comm. Notes to Fed. R. Civ. P. 72(b); accord Brissett v. Manhattan & Bronx Surface Transit Operating Auth., No. 09-CV-1930682 (CBA) (LB), 2011 WL 1930682, at \*1 (E.D.N.Y. May 19, 2011). Having reviewed the record, I find no clear error. I hereby adopt the Report and Recommendation, in its entirety, as the opinion of the Court pursuant to 28 U.S.C. § 636(b)(1).

Therefore, the plaintiff's motion to amend the Complaint to withdraw the class and collective action claims is granted, and the plaintiff will be permitted to file an amended complaint, naming Salomon Stalin Noboa and John Enrique Noboa as plaintiffs, by April 2, 2015. The plaintiff's motion for default judgment is denied without prejudice, and a renewed motion for default judgment may be filed if defendants fail to answer the amended complaint.

SO ORDERED.

/s/(ARR)

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Allyne R. Ross  
United States District Judge

Dated: March 25, 2015  
Brooklyn, New York